

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
RODDY ESPINOZA,  
-against-

**PRE-TRIAL ORDER**

CV 15-281 (JS) (ARL)

NASSAU COUNTY POLICE DEPARTMENT and  
COUNTY OF NASSAU and POLICE OFFICER  
O'BRIEN and POLICE OFFICER FIOCCA,  
Individually and in their capacity as Nassau County Police  
Officers,

Defendants.  
-----X

The plaintiff, RODDY ESPINOZA, in his individual capacity, and by his attorney,  
LAW OFFICE OF MICHAEL V. DEVINE, as and for his Pre-Trial Order, as follows:

A.

- i. The full caption of the action is as follows:

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
RODDY ESPINOZA,

Plaintiff,

-against-

Cv 15-281 (JS) (ARL)

NASSAU COUNTY POLICE DEPARTMENT and  
COUNTY OF NASSAU and POLICE OFFICER  
O'BRIEN and POLICE OFFICER FIOCCA,  
Individually and in their capacity as Nassau County Police  
Officers,

Defendants.  
-----X

- ii. The name, address, telephone, fax number and e-mail address of trial counsel for the  
plaintiff is as follows:

Law Office of Michael V. Devine  
BY: Michael V. Devine  
87 Cliff Road  
Belle Terre, New York 11777  
Telephone Number: 631-474-5400  
Fax Number: 631-474-3772  
E-Mail Address: [mvdevine@msn.com](mailto:mvdevine@msn.com)

- iii. The plaintiff, RODDY ESPINOZA, a civilian who was stopped by the NASSAU COUNTY POLICE DEPARTMENT. Jurisdiction is appropriate in the Federal Court pursuant to Title 42 Section 1983 in that the defendants took away the plaintiff's rights improperly under color of government title.
- iv. The plaintiff, RODDY ESPINOZA, was in front of his house at the time and place of the occurrence. It is the plaintiff's contention that the NASSAU COUNTY POLICE DEPARTMENT, and its employees, with malice, without cause, and or negligently caused MR. ESPINOZA to be denied his civil rights and liberties and caused him to be battered and unlawfully imprisoned by the defendants.
- v. We respectfully request a jury trial and we believe the trial should take approximately three days.
- vi. The parties seek a trial date with either a Judge or a Magistrate Judge.
- vii. The parties have not entered into any stipulations.
- viii. The following individuals will be witnesses and/or possible witnesses in this matter:
  - A. Roddy Espinoza – 2363 Rt. 208 Walden, New York 12586 – Roddy Espinoza will testify as to his violation of his civil rights by the defendants.
  - B. Police Officer Michael O'Brien c/o NASSAU COUNTY POLICE DEPARTMENT, 1490 Franklin Avenue, Mineola, New York 11501; – Officer O'Brien will testify as to events surrounding his response to 450 Franklin Street, Westbury, New York 11590;
  - C. Police Officer John Fiocca, c/o NASSAU COUNTY POLICE DEPARTMENT, 1490 Franklin Avenue, Mineola, New York 11501; – Officer Fiocca will testify as to events surrounding his response to 450 Franklin Street, Westbury, New York 11590;
  - D. Sargent Joseph Hughes, c/o NASSAU COUNTY POLICE DEPARTMENT, 1490 Franklin Avenue, Mineola, New York 11501; – Sargent Hughes will testify as to his observations at 450 Franklin Street, Westbury, New York 11590;
  - E. L. Membrano- Avilez, 1<sup>st</sup> Floor Front, 450 Franklin Street, Westbury, New York 11590;
  - F. Kenia Brizuela Alvarado, 2<sup>nd</sup> Floor Front, 450 Franklin Street, Westbury, New York 11590;
  - G. Marl Serrano-Maldonado, 450 Franklin Street, Westbury, New York 11590;
  - H. Elmer G. Uceda, 450 Franklin Street, Westbury, New York 11590; and
  - I. Eduardo Espinoza 18 Hilltop Dr. Windsor, New York.



ix. The following individuals have been deposed and transcripts of testimony are available:

- A. Roddy Espinoza;
- B. Police Officer Michael O'Brien; and
- C. Police Officer John Fiocca.

x. The following Exhibits:

- a. All records from the date of said incident;
- b. Any and all reports prepared subsequent to that date by any investigative agency of the police department;
- c. Medical records and reports of RODDY ESPINOZA.

1. There has been nothing that has been stipulated to, to date.

2. The documents will be provided, as per the instructions.

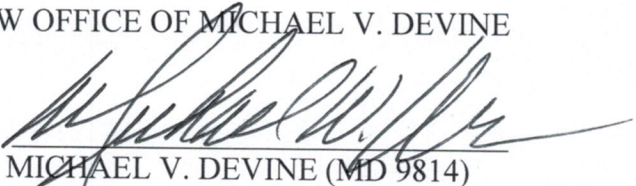
B. Filings Prior to Trial in Civil Cases:

- i. The *voir dire* will be provided as per the Court's instructions.
- ii. The claims for relief will be submitted, as per the Court's instructions, at least fifteen (15) days prior.
- iii. All required documents be submitted, as required by the Court's instructions, at least fifteen (15) days prior to trial date
- iv. As per the Court's instructions, motion will be electronically filed seven (7) days prior to jury selection.
- v. Exhibits, as per the Court's instructions, will be provided to the Judge and exchanged with counsel three (3) days prior to trial.
- vi. Stipulations, as per the Court's instructions, will be filed electronically with the Court three (3) days prior to trial with a courtesy copy to Chambers.
- vii. Requests to charge and proposed verdict sheets, as per the Court's instructions, will be submitted on the first day of jury selection.
- viii. All memoranda of law will be provided in the form and timeframe as instructed by the Court.

Dated: Belle Terre, New York  
June 15, 2017

Respectfully Submitted,

LAW OFFICE OF MICHAEL V. DEVINE

By:   
MICHAEL V. DEVINE (MD 9814)  
Attorney for PLAINTIFF  
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